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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 JERRY LEE MORRISSETTE, SR.,

Case No. 3:21-cv-00189-MMD-CLB

7 Petitioner,

ORDER

8 v.

9 PERRY RUSSELL, *et al.*,

10 Respondents.

11 This is a *habeas corpus* action under 28 U.S.C. § 2254. Currently before the Court
12 are the petition for a writ of *habeas corpus* and the motion for appointment of counsel.
13 (ECF Nos. 2, 3.) Although Petitioner Jerry Morrisette has paid the filing fee, he is unable
14 to afford counsel. See 18 U.S.C. § 3006A(a)(2)(B). The issues that Morrisette presents
15 would benefit from appointment of counsel. The Court thus will appoint counsel.

16 It is therefore ordered that Morrisette's motion for appointment of counsel (ECF
17 No. 3) is granted. Counsel will represent Morrisette in all federal proceedings related to
18 this matter, including any appeals or certiorari proceedings, unless allowed to withdraw.

19 It is further ordered that the Federal Public Defender ("FPD") is appointed
20 provisionally as counsel for Morrisette. The FPD will have 30 days from the date of entry
21 of this order either to undertake representation of Morrisette or to indicate to the Court
22 the office's inability to represent Morrisette. If the FPD is unable to represent Morrisette,
23 then the Court will appoint alternate counsel, subject again to establishment of financial
24 eligibility. The Court will set a deadline for filing of an amended petition or a motion
25 seeking other relief after counsel has appeared. The Court does not signify any implied
26 finding of tolling during any time period established or any extension granted. Morrisette
27 remains responsible for calculating the limitation period of 28 U.S.C. § 2244(d)(1) and
28 timely presenting claims. The Court makes no representation that the petition, any

1 amendments to the petition, and any claims in the petition or amendments are not subject
2 to dismissal as untimely. See *Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).


3 The Clerk of Court is directed to add Aaron Ford, Attorney General for the State of
4 Nevada, as counsel for Respondents.

5 It is further ordered that Respondents' counsel must enter a notice of appearance
6 within 21 days of entry of this order, but no further response will be required from
7 Respondents until further order of the Court.

8 The Clerk of Court is further directed to provide copies of this order and all prior
9 filings to both the Attorney General and the FPD in a manner consistent with the Clerk of
10 Court's current practice, such as regeneration of notices of electronic filing.

11 It is further ordered that, notwithstanding LR IC 2-2(g), paper copies of any
12 electronically filed exhibits need not be provided to chambers or to the staff attorney,
13 unless later directed by the Court.

14 DATED THIS 5th Day of May 2021.

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17 MIRANDA M. DU
18 CHIEF UNITED STATES DISTRICT JUDGE
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